

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Phone: (650) 573-3812 Fax: (650) 573-3817

Inspection #: 1487976
Inspection Dates: 08/13/2020 - 11/23/2020
Issuance Date: 12/23/2020
CSHO ID: D9005
Optional Report #: 005-21



Citation and Notification of Penalty

Company Name: Stevens Creek BMW
Establishment DBA: and its successors
Inspection Site: 4343 Stevens Creek Blvd.
Santa Clara, CA 95051

Citation 1 Item 1 Type of Violation: **Regulatory**

T8 CCR Section §342(a). Reporting Work-Connected Fatalities and Serious Injuries.

(a) Every employer shall report immediately to the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. The report shall be made by the telephone or through a specified online mechanism established by the Division for this purpose. Until the division has made such a mechanism available, the report may be made by telephone or email.

Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.

Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code.

The employer, Stevens Creek BMW, failed to immediately report by telephone, online mechanism, or email to the Division the serious illness suffered by an employee who was hospitalized as a result of COVID-19 on July 24, 2020.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$5000.00

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**Citation and Notification of Penalty**

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Santa Clara, CA 95051

Citation 2 Item 1 Type of Violation: **Serious**

Title 8 CCR Section §3203(a)(4)(6). Injury and Illness Prevention Program.

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards:

(A) When the Program is first established;

(B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and

(C) Whenever the employer is made aware of a new or previously unrecognized hazard.

(6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:

(A) When observed or discovered; and,

(B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

Prior to and during the course of the inspection, including, but not limited to, the time period of July 9 through July 24, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program (IIPP) in the following instances:

Instance 1.

Employer failed to effectively implement methods or procedures to correct unhealthy conditions, work practices, or work procedures relating to SARS-CoV-2, the virus that causes COVID-19, that affected its employees including, but not limited to, the failure to implement virus-specific screening procedures for all employees entering the facility or another effective practice, means, or process to prevent employee exposure to the virus. [Title 8 CCR Section § 3203(a)(6).]

Instance 2.

Employer failed to effectively identify and evaluate workplace hazards or implement methods or procedures to correct unhealthy conditions relating to SARS-CoV-2 that affected its employees including, but not limited to, the following:

- a) The failure to ensure the use of face coverings among employees
- b) The lack of physical distancing among employees working in the repair shop [PC1] [Title 8 CCR Section § 3203(a)(4) & (6)]

Instance 3.

Employer failed to effectively identify and evaluate workplace hazards or implement methods or procedures to correct unhealthy conditions relating to SARS-CoV-2 that affected its employees including, but not limited to, the lack of physical barriers to separate nearby employees from each other when they were at their workstations in the repair shop [Title 8 CCR Section § 3203(a) (4) & (6).]

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3375.00

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Citation and Notification of Penalty

Company Name: Stevens Creek BMW
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Inspection Site: 4343 Stevens Creek Blvd.
Santa Clara, CA 95051

Citation 3 Item 1 Type of Violation: **Serious**

Title 8 CCR Section §3203(a)(7). Injury and Illness Prevention Program.

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(7) Provide training and instruction:

- (A) When the program is first established;**
- (B) To all new employees;**
- (C) To all employees given new job assignments for which training has not previously been received;**
- (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;**
- (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,**
- (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.**

Prior to, and during the course of the inspection, including, but not limited to, on July 24, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program (IIPP) in that it did not provide effective training and instruction to its employees regarding the new occupational hazards of COVID-19, did not conduct training with its employees to include information on COVID-19 infection, including, but not limited to, training on how the virus is spread and measures to avoid infection, signs and symptoms of infection, and how to safely use cleaners and disinfectants.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$3375.00

Barbara Kim
Compliance Officer / District Manager